

WASHINGTON POST

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'An Attack on American Liberties'

The Central Intelligence Agency's harassed director, William Colby, has written us a letter that deserves attention.

"The successful conduct of both intelligence and journalism," he contends, "depends upon the ability to protect sources. We are deprived of intelligence today, which we might have had but for sensational exposures of our activities, not our abuses."

"The solution to the dilemma of how to conduct intelligence activities in our free society is to give our intelligence organizations clear guidelines and effective supervision — but through representatives of our people, not through the powerful spotlight of total exposure."

We agree that total exposure, like total secrecy, could be hazardous to our national health. But the greater danger, we believe, is too much secrecy.

For too long, the CIA has operated in a subterranean world of half light, a world of grotesque shadows and shapes. In this murky environment, the CIA plotted murders, conducted burglaries and buggings, blackmailed diplomats, tailed newsmen, spied on dissidents and engaged in dirty trickery. Often, the victims were not enemy agents but loyal Americans.

We believe the press let the sunshine into this shadowy world just in time. Otherwise, a subterranean creature might have developed, which would have become a menace to the freedoms it was created to protect.

The language of the Constitution — justice, tranquility, welfare, liberty — was intended to protect the people from the government. The language of the CIA — secrecy, surveillance, covert operation — would protect the government from the people.

Colby acknowledges "that the CIA must allow more light on its activities to regain the trust of the people. I believe we have been doing exactly that," he contends, "over the past two years."

Certainly, Colby has been more open and candid than any of his predecessors. But he has also sought to create a cozy

relationship between the CIA structure and the press apparatus. What he really wants are reporters who will act as explainers and apologists for the CIA. They would become lap dogs rather than watchdogs.

The need for the press to occupy an adversary role was clear to America's founding fathers. That is why they made freedom of the press the first guarantee of the Bill of Rights. Without press freedom, they knew, the other freedoms would fall.

Colby claims we misrepresented his views on Senate Bill No. 1, a 750-page monstrosity disguised as a codification of existing law, which would strangle in the crib the system of free inquiry we have today.

"You say that I want 'to make it a crime for newsmen to publish classified information.' This is not so. The legislation I have recommended," Colby claims, "would apply only to those who gain authorized access to classified intelligence information."

He also states that his proposal "would require that any prosecution for unauthorized disclosure be subject to prior judicial review to ensure that classification of the information is not arbitrary or capricious."

Behind almost every important revelation of government wrongdoing in our time has been three ingredients: (1) the honest public employee who reveals the hidden truth; (2) the newsmen who verifies the story, fits it together with other information and publishes it; and (3) the official investigation that is thereby forced into being.

As we understand Senate One, it would nullify or impair each step in this process. First, it makes it a crime for public employees to reveal classified information.

Second, the bill in its present form would make it a crime for a reporter to receive or publish "national defense information." The government would have the power, with some limitation, to define national defense information. Thus, the government could attach this classification to

almost anything it didn't want the people to know.

Third, the bill provides a loophole for officials who break the law in line of duty if they believe they were acting lawfully, thereby weakening the incentives for official probes.

Our professional estimate is that this package would shut down the investigative press quite effectively. Remember how President Nixon tried to invoke the CIA and "national security" to cover up the Watergate scandal? Under Senate One, he would have gotten away with it.

There are legitimate defense secrets, as Colby suggests, which the government ought to be able to protect. Codes, nuclear secrets, plans for military operations, the identity of undercover agents, crucial data on weapons systems — all have a just claim to secrecy if they are not already known to the enemy.

But instead of defining narrowly the types of information that must not be revealed, instead of writing into Senate One the standards set by the Supreme Court for justifying news suppression — that the disclosure must pose "direct, immediate and irreparable harm to the security of the United States" — the bill relies on a long-discredited classification system.

The decision as to which parts of the people's business could not be divulged would be left to the caprice of innumerable bureaucrats, such as a gentleman of our acquaintance who used to spend his days clipping articles out of newspapers and pasting them on stiff paper which he would then stamp with a secret classification.

Millions of documents have been classified, some legitimately, some willy nilly, some under criteria designed more for hiding mistakes than for protecting valid secrets.

Senate One does not discriminate sufficiently between the yellowed newspaper clippings and the latest weapons designs. And so, instead of being a safeguard for national defense, it is an assault on American liberties.

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